



DMCJA Board of Governors Meeting
Friday, April 13, 2018, 12:30 p.m. – 3:30 p.m.
AOC SeaTac Office
SeaTac, WA

MEETING MINUTES

Members Present:

Chair, Judge Scott Ahlf
Judge Linda Coburn
Judge Michael Finkle (by phone)
Judge Drew Ann Henke
Commissioner Rick Leo
Judge G. Scott Marinella
Judge Samuel Meyer (by phone)
Judge Kevin Ringus (BJA non-voting)
Judge Rebecca Robertson
Judge Douglas Robinson
Judge Damon Shadid
Judge Charles Short

Members Absent:

Judge Douglas Fair
Judge Michelle Gehlsen
Judge Judy Jasprica (BJA non-voting)
Judge Dan B. Johnson (BJA non-voting)
Judge Mary Logan (BJA non-voting)

Guests:

Ms. Kim E. Hunter, WSBA
Ms. Cynthia Marr, DMCMA
Ms. Margaret Yetter, DMCMA
Ms. Stacie Scarpaci, MCA
Loyd Willaford, Esquire, WSAJ

AOC Staff:

Ms. J Benway (by phone)
Ms. Vicky Cullinane
Ms. Callie Dietz
Ms. Sharon R. Harvey
Mr. Brady Horenstein
Mr. Dirk Marler
Ms. Susan Peterson

CALL TO ORDER

Judge Ahlf, District and Municipal Court Judges' Association (DMCJA) President, noted a quorum was present and called the DMCJA Board of Governors (Board) meeting to order at 12:30 p.m. Judge Ahlf asked attendees to introduce themselves. Judge Ahlf also recognized Judge Drew Ann Henke as the new Board member appointed to fill the Board Position 4 vacancy left by Judge Michael Lambo.

GENERAL BUSINESS

A. Minutes

The Board moved, seconded, and passed a vote (M/S/P) to approve the Board Meeting Minutes for March 9, 2018.

B. Treasurer's Report

The February 2018 and March 2018 Treasurer's Reports were provided for the Board's review. The Board will vote on whether to approve the Reports at the next DMCJA Board meeting.

C. Special Fund Report

M/S/P to approve the Special Fund Report. Judge Meyer reported the account gained \$4.30 in interest.

D. Standing Committee Reports

1. *Legislative Committee*

Judge Meyer reported the DMCJA Legislative Committee is currently preparing for the Legislative Update session for the DMCJA Spring Conference.

2. *Therapeutic Courts Committee*

The Board reviewed the Therapeutic Courts Committee Minutes for December 13, 2017 and September 27, 2017.

E. Trial Court Advocacy Board (TCAB) Update

Judge Marinella reported TCAB did not meet today. He further reported TCAB is still considering setting up a meeting with the Association of Counties and Cities, the SCJA, and the association lobbyists regarding the state's paying for one half of district court judges' and qualifying municipal court judges' salaries. They hope to set the meeting up soon.

F. Judicial Information Systems (JIS) Report

Ms. Cullinane provided an update on the Expedited Data Exchange Project. She informed the King County Clerk's Office is planning to go live in the summer of 2018. In addition, King County District Court is targeting the fall 2018 for their implementation date. She noted that this is a positive development because it may narrow or eliminate the possible gap in King County information available through JABS by the time those courts go onto their own case management systems.

In addition, Ms. Cullinane provided a Department of Licensing (DOL) DRIVES project update. She informed the DOL is on track to replace their existing legacy systems with a new system, which will be implemented in September 2018. The AOC is working on all of the data exchanges between its systems and DOL systems to ensure that they are ready when DOL goes live with DRIVES.

G. CLJ-CMS Project Update

Ms. Dietz, State Court Administrator, reported the Courts of Limited Jurisdiction Case Management System (CLJ-CMS) Project is moving forward. The next CLJ-CMS Project Steering Committee (PSC) meeting is Tuesday, April 17, 2018. After careful consideration and discussion of case management system options, the Steering Committee recommended the Judicial Information System Committee (JISC) close the current CLJ-CMS requests for proposal (RFP) without awarding a contract to either of the two vendors, Tyler Technologies and Journal Technologies, Inc., and the JISC voted to approve the Steering Committee's recommendation. The Steering Committee is now looking at how to proceed and re-evaluating options for a JIS District and Municipal Court Information Systems (DISCIS) replacement. In addition, the Administrative Office of the Courts (AOC) had to make a personnel decision to lay off 10 people from the CLJ-CMS Project Team in order to preserve funds for the project until a vendor is selected. The CLJ-CMS Project, however, still has the core team needed to move the project forward. Ms. Dietz explained that when they implemented the Superior Court Case Management System (SC-CMS) Project, they learned some lessons. Thus in trying to be wise about how to proceed with the CLJ-CMS project, they had anticipated they would need extra staff early on, like they did for the SC-CMS Project. However, when they were unable to move forward with either of the two vendors from the original RFP, they realized they needed to reduce some staff. Mr. Dirk Marler, AOC Court Services Division Director, informed they realized they would have far more people than they need at this time, for too long a period of time, and it did not make sense to charge the money towards the project. The AOC is trying to reassign staff, and some staff have indicated they are willing to come back to AOC once the project requires more assistance. Mr. Marler informed it will take the Steering Committee some time to decide how to move forward. Despite the delay, the project is still ahead of where they thought it would be since they were able to get the CLJ-CMS Project going before the SC-CMS Project finished. Although it will take some time to get things right, they will get there, and for now, the CLJ-CMS Project will continue to move forward with its core team.

Judge Marinella discussed the importance of ranking the CLJ-CMS Project as the JISC's number one IT project priority. He encouraged Board members to talk to their fellow judges and to reach out to legislators. In addition, Judge Marinella informed that Judge Shadid reached out to him by email. Judge Shadid informed his email was a presentation by Accenture that he thought was interesting, concerning a solution using Microsoft Dynamics, and he wanted to share it. Judge Shadid will also forward the presentation to Ms. Dietz and Ms. Cullinane. Judge Marinella further informed the JISC is going to reevaluate their priorities at the April 27,

2018 meeting, which is open to the public. Board members and anyone interested are encouraged to attend. Comments may also be sent to Judge Marinella.

Judge Ahlf informed he plans to write a letter to the JISC stating that the CLJ-CMS project needs to be the number one priority if there are no objections from the Board. The Board had no objection.

LIAISON REPORTS

A. Administrative Office of the Courts (AOC)

Ms. Dietz reported the AOC is looking at long range planning, and is currently focused on budget decision packages. The 2019-2021 Biennial Budget Process open meeting is on June 8, 2018. All judicial branch entities and stakeholders requesting budget enhancements will provide presentations to the Court Funding Committee (CFC), which is a new body created by Chief Justice Mary Fairhurst to assist in the review and prioritization of state general fund budget requests that flow through the AOC. The CFC is comprised of the five member Supreme Court Budget Committee (SCBC), the three member Board for Judicial Administration Budget and Funding Committee (BFC), and three judicial members of the Judicial Information System Executive Committee (JISC). The CFC will make recommendations that will be forwarded to the Supreme Court, and the Supreme Court will make the final decision of what to send to the Legislature. The DMCJA will be a presenter at the June 8, 2018 meeting. Board members are encouraged to attend.

Ms. Dietz further reported there will be proposals in the coming years for work they want to collaborate on together, and priorities include: (1) court security, (2) pretrial reform, and (3) judicial education.

B. Board for Judicial Administration

Judge Ringus reported the BJA will meet again after the DMCJA Board Retreat in May. In addition, at the last BJA meeting, Dr. Carl McCurley, Washington State Center for Court Research (WSCCR), provided an update on WSCCR and the Center for Study and Advancement of Justice Efficiency, and the BJA discussed speaking with a unified voice. The BJA is also working with the BJA Interpreter Funding Task Force regarding a budget decision package.

BJA Legislative Committee

Judge Ringus, BJA Legislative Committee Chair, and Mr. Brady Horenstein, AOC Associate Director of Legislative and Judicial Relations, provided an update on the BJA Legislative Committee. The Legislative Committee is currently working on preparing (1) the comprehensive list of bills that passed and (2) the call for legislative proposals, which will go out soon.

C. District and Municipal Court Management Association (DMCMA)

Ms. Marr reported that her term as DMCMA President will end in June 2018, and she introduced Ms. Margaret Yetter, DMCMA President Elect, to the Board. Ms. Marr expressed her appreciation to the Board for allowing the DMCMA to attend their Board meetings. She informed the DMCMA's focus continues to be on education, and the DMCMA Education Committee is currently focused on their upcoming DMCMA Spring Regionals, which will start next week. Many are registered for the Regionals; however, there are still a few slots open. In addition, she informed the DMCMA is preparing for its 2018 Annual Management Conference, which is in May 2018 in Chelan. Lastly, she informed Ms. Michelle Pardee, AOC Court Business Office, will attend the next DMCMA Board meeting to discuss House Bill (HB) 1783, Concerning Legal Financial Obligations.

D. Misdemeanant Probation Association (MPA)

Ms. Scarpaci reported the MPA 2018 Annual Conference is April 30-May 2, 2018 in Ocean Shores. In addition, she reported DMCJA members may start seeing email from the MPA regarding training opportunities, and informed that the MPA wants people to be aware of these available opportunities.

E. Superior Court Judges' Association (SCJA)

Judge Ahlf reported Judge Kitty-Ann van Doorninck, Pierce County Superior Court, is the new SCJA liaison.

F. Washington State Association for Justice (WSAJ)

Mr. Willaford reported the WSAJ Law Day and Awards Celebration is on May 10, 2018, 5:30 p.m., at the Westin Hotel, in Seattle. In addition, Federal Judge Barbara Rothstein was selected as Judge of the Year. Lastly, there has been a lot of discussion on how to get WSAJ members to take advantage of what is available in the courts of limited jurisdiction.

G. Washington State Bar Association (WSBA)

Ms. Hunter reported on the following topics of interest for the Board:

- New WSBA President – Mr. William D. Pickett assumed the office of the President after former WSBA President Brad Furlong resigned on March 17, 2018 because of medical issues. Mr. Pickett will fulfill the remainder of Mr. Furlong's Presidential term through September 2018, and then begin his own Presidential term from October 2018 through September 2019.
- BOG Meeting for March 8, 2018 – Ms. Hunter reported that the BOG discussed the following items:
 - Bylaw changes: The BOG changed the bylaw requiring this year's President-Elect to have his or her primary place of business in eastern Washington, therefore, any active WSBA member is eligible to apply for the President-Elect position. The BOG discussed the Referendum Process Review Work Group's initial recommendations to the WSBA Bylaws (Articles III and VIII), including shortening the filing timeframe from 90 days to 30 days in which some WSBA members are not in favor. The BOG had special meetings on March 19, 2018 and April 6, 2018 regarding proposed bylaw amendments.
 - WSBA Membership Involvement Initiative: WSBA wants to encourage membership involvement.
 - WSBA BOG Governor positions are available: District 1, District 5, and District 7S; Ms. Hunter informed it is a rewarding experience and encourages people to apply and get involved.
 - Reimbursement: The BOG rescinded the volunteer reimbursement restriction, which required WSBA volunteers to spend three or more hours in a meeting or travel 50 or more miles one way to get reimbursed for expenses. WSBA volunteers may now receive reimbursement for any expense incurred through WSBA committee involvement.
 - Healthcare: Ms. Hunter encouraged Board members interested in the ability for members to receive health insurance through the WSBA to contact her;
 - Professional Ethics Rules: The BOG approved the WSBA Committee on Professional Ethics' suggested amendments to change Title 7 of the Washington Rules of Professional Conduct (Information about Lawyer Services) because it is outdated. The amendments will now go before the Washington State Supreme Court for consideration under the GR 9 rulemaking process;
 - Funding to Assist Low-Income Persons: The WSBA is working closely with non-profit organizations to help provide civil and criminal assistance to low income individuals;
- Meeting with Supreme Court Justices – Following the March 8, 2018 BOG Business meeting, the BOG met with Washington State Supreme Court Justices and discussed the national climate for bar associations and the current goals, topics, and concerns for WSBA leaders.
- IRLJ 3.3, Procedure at Contested Hearing – The DMCJA Board discussed whether this rule is necessary. There were differing views with some Board members agreeing with the new rule while others think it is unnecessary. Ms. Hunter expressed that she will meet with the BOG to discuss whether the rule is necessary.
- BOG Position Vacancy – Judge Ahlf recommended that the WSBA not only solicit attorneys but also Judges to serve on the BOG. Ms. Hunter expressed that she will include Judge Robertson in that discussion.

The Board requested that Ms. Hunter provide the following information for the Board:

- IRLJ 3.3, Procedure at Contested Hearing – Ms. Hunter will:
 - (1) Address the Board's comments and questions about this topic, including inquiring about the issue of not having enough people at the table when such topics are discussed.
 - (2) Provide the new voting date regarding IRLJ 3.3 when it is discussed at a future BOG meeting.

For more information regarding WSBA BOG meetings, please visit: <https://www.wsba.org/about-wsba/who-we-are/board-of-governors>. Ms. Hunter informed she is unable to attend the May and June DMCJA Board meetings. She will provide more WSBA BOG updates at the July Board meeting.

ACTION

1. Proposed DMCJA Bylaw: Board Attendance

M/S/P to approve putting the proposed DMCJA Bylaw regarding Board Attendance, in its current form, before the DMCJA membership at the DMCJA Spring Conference for a vote.

2. Workgroup on Judicial Independence Action Request for SeaTac Municipal Court

M/S/P to allow the Board to proceed with the recommendations of the Workgroup on Judicial Independence concerning SeaTac Municipal Court, with one amendment to the language, replacing Judge Ahlf's name with "DMCJA President".

DISCUSSION

A. Workgroup on Judicial Independence Action Request for SeaTac Municipal Court

The Board reviewed a request from Judge David Steiner, DMCJA Workgroup on Judicial Independence (Workgroup) Chair, regarding proposed action recommendations concerning the potential closure of SeaTac Municipal Court. The Board discussed the details of the request. It was suggested the Board may proceed with the recommendations of the Workgroup but amend the language to replace Judge Ahlf's name with "DMCJA President" as follows: Write an op-ed for the "DMCJA President" for the local paper. *M/S/P to move this topic to an action item.*

B. Incidental Fees – Whether Coverage Has Increased Attendance

Ms. Harvey reported that Judge Ahlf had inquired whether the DMCJA's payment of members' incidental fees for the Spring Conference has helped to increase attendance at the Conference. Ms. Harvey provided data on the percentage of Conference attendance from 2000 to 2017 and what years incidental fees had been paid by the DMCJA. The DMCJA began paying incidental fees in 2010 and has continued to do so since then. The data showed there was an increase in attendance between 2009 and 2010, which went from 69% to 80%. The data further showed attendance has continued to be higher between 2010 and 2017 than it was between 2000 and 2009. Therefore, it appears the DMCJA coverage of incidental fees has increased Conference participation. Judge Ahlf stated this information will help the Board with its budget discussion next month.

C. WSBA Proposed Amendments to IRLJ 3.3, *Procedure at Contested Hearing*

The Board revisited this topic which was originally discussed at the February 9, 2018 Board meeting. Judge Shelley Szambelan, DMCJA Rules Committee (Committee) Chair, had provided the Board with a WSBA proposal to amend IRLJ 3.3. Ms. Benway had explained the change is relatively minor: it would expressly provide that a defendant need not personally appear at a contested infraction hearing when the defendant is represented by an attorney. She informed that the Committee was divided regarding a response because the majority of Committee members felt the amendment was unnecessary. However, the Committee lacked consensus regarding whether it was appropriate to oppose the proposal on that basis. Since the WSBA went through the process to arrive at the proposal, the Committee wanted to defer to the Board as to whether any action should be taken to oppose the proposal. The deadline for comments is April 30, 2018. The Board discussed the WSBA proposal to amend IRLJ 3.3. Comments included that it could potentially create delays, it may not be necessary, and it may not have been thoroughly vetted. Questions included, were court administrators informed about it and/or given a chance to comment, who were the six infraction practitioners mentioned on the GR 9 Cover Sheet that provided input on the redraft, and were there enough people at the table when this was discussed? Ms. Hunter will address the Board's comments and questions at a future WSBA BOG meeting, including inquiring about the issue of not having enough people at the table when these matters are discussed, and then report back to the Board.

INFORMATION

Judge Ahlf addressed the following Informational items:

- A. DMCJA Board members are encouraged to submit Board agenda topics for monthly meetings.
- B. Board members are encouraged to apply for DMCJA representative positions. Available positions include:
 - a. Ethics Advisory Committee
 - b. Presiding Judge & Administrator Education Committee
 - c. Washington State Access to Justice Board (Liaison Position)
 - d. WSBA Court Rules and Procedures Committee
 - e. Washington State Civil Legal Aid Oversight Committee

Judge Ahlf noted the list of DMCJA representative positions currently open. In addition, Judge Marinella's last meeting with the JISC is on June 22, 2018, so there will soon be a position on the Judicial Information Systems Committee (JISC). Members are encouraged to apply for open DMCJA representative positions. Ms. Yetter encouraged members to join the Presiding Judge & Administrator Education Committee.

- C. The DMCJA Board Retreat is May 11-12, 2018, at the La Conner Channel Lodge, in La Conner, Washington.
- D. The DMCJA Spring Conference is June 3-6, 2018 at the Campbell's Resort in Chelan, WA.
- E. Policy Analyst Project Ideas for 2018 are as follows:
 - a. Courthouse Security Survey
 - b. Survey on Committees with DMCJA Representatives
 - c. Judicial Independence Matters (Municipal Court Contracts)
- F. The courts remain the most trusted branch of government, according to the 2017 State of the State Courts Survey. For more information on this National Center for State Courts survey, please visit: <http://www.ncsc.org/2017survey>.
- G. The DMCJA has an annual budget for association members who attend national judges' groups and conferences. This funding is known as the DMCJA National Leadership Grant. Judges desiring funds to attend national conferences and judges' groups are encouraged to apply for DMCJA grant funding by submitting a letter of interest to Susan Peterson at susan.peterson@courts.wa.gov by Friday, April 20, 2018.
- H. BJA Sharing of Information and Request for Ideas.
- I. WA Supreme Court Adopts New General Rule (GR) 37 – Jury Selection – See Order dated April 5, 2018.

OTHER BUSINESS

SCJA Proposed Rules

Judge Robertson informed that the SCJA has proposed rules in which other groups, such as the DMCJA, were not aware. The SCJA contends they can make their own rules outside of the General Rule 9 process. The DMCJA Rules Committee will add the topic as an agenda item.

The next DMCJA Board Meeting is Saturday, May 12, 2018, 11:10 a.m. to 1:00 p.m., at the La Conner Channel Lodge in La Conner, WA.

The meeting was adjourned at 2:06 p.m.